

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
April 14, 2014

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Bruce Parker, Kristine Zaballos, Karen Coburn, Dan Comfort, Donna Henry (Alternate), Sherry Stanek (Alternate). Absent: Lynn Binnie, Cort Hartmann. Others: Wallace McDonell (City Attorney), Mike Slavney (City Planning Consultant).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. Moved by Stanek and seconded by Comfort to approve the Joint Meeting of City Council and Plan Commission minutes of February 25, 2014 and the Plan Commission minutes March 10, 2014. Motion approved by unanimous voice vote.

Review certified survey map for one lot on County Highway U for Fairhaven/Reeb. City Planner Mike Slavney explained that this certified survey map is a land division located on the southwest corner of County Highway U and Burr Oak Trail. It is approximately 31 acres. This involves a dedication of right of way (about 1/2 acre). There are no other issues of concern.

City Attorney McDonell stated that the Plan Commission should approve and make recommendation to the City Council in their motion.

Moved by Zaballos and seconded by Coburn to approve and recommend to the City Council the certified survey map for one lot on County Highway U for Fairhaven/Reeb. Aye: Zaballos, Coburn, Comfort, Parker, Henry, Stanek, Meyer. No: None. Motion approved.

Public hearing for consideration of a change in the District Zoning Map for parcels located in Waters Edge South Subdivision to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater. The parcels include the condominiums with tax parcel numbers: /WESC 00001 through /WESC 00048. The R-O Zoning classification will restrict the number of unrelated occupants allowed per residence to two (2). Chairperson Meyer opened the public hearing. City Planner Mike Slavney explained that the proposal is for the R-O Non-Family Residential Overlay District Zoning classification to be for some of the 2 unit and 4 unit condos in the Waters Edge South area, which would restrict the number of unrelated persons per unit to a maximum of two. There are 48 units involved, with 38 signatures on the petition.

Chairperson Meyer opened for public comment.

City Councilperson Kidd stated that he was approached by the residents and was happy to sponsor the petition.

Christopher Cameron clarified that the tax parcel numbers were from WESC 00001 through WESC 00048. He stated that they are requesting the overlay zoning to establish and protect the value of the units. The PCD Zoning does not limit the number of unrelated persons allowed to reside in each unit. They are seeking the overlay to remedy that situation.

Lawrence Harrison, 716 Waters Edge Drive, wanted to know more about the zoning of the area. (716 Waters Edge Drive is not one of the condos included in the petition.)

City Attorney McDonell explained that the PCD (Planned Community Development) Zoning is a hybrid zoning district. It is created with various features that are requested and unique to it. They start with a general development plan and then add more details in a specific implementation plan for the entire area. A PCD has its own regulations. At the time this PCD was granted, they did not specify the limits for unrelated occupancy. This request is to pin down the number for unrelated persons to reside in a unit for this portion of the project. When asked how it was enforced, McDonell stated that it was difficult to enforce. The property can be looked at by complaint, or having too many cars on the property. Enforcement starts with an investigation and request of a lease. If need be, it goes on to the City Attorney and citations. City Attorney McDonell explained that Latisha had been looking into all the PCD's to see if they specified a requirement for occupancy.

When asked about the bylaws of the condo association and rules for renters, Christopher Cameron stated that the specific number of unrelated persons was not addressed. They do have rentals, but all are rented to families at this time.

Chairperson Meyer closed public comment.

Plan Commission members voiced concerns of: the police having to enforce over occupancy; enforcement and parking are issues that are being worked on and will come back at a later date; reluctant to vote for due to the increasing number of blended families; disheartened that the R-1 Zoning did not carry through when the PCD was approved.

Moved by Comfort and seconded by Parker to recommend to the City Council to approve the R-O Non-Family Residential Overlay District for the properties with tax parcel #'s WESC 00001 through WESC 00048 with the findings of the City Planner (See attached findings). Ayes: Comfort, Parker, Coburn, Zaballos, Henry, Stanek, Meyer. No: None. Motion approved.

Public hearing for consideration of a conditional use permit for the conversion of a two-family residence into a building with four (5 bedroom) units, by remodeling the existing building and constructing an addition at 534 W. Walworth Ave. for Land & Water Investments (Matt Kuehl). Chairperson Meyer opened the public hearing.

City Planner Slavney explained that this is a conversion of a 2 unit building into a 4 unit building. There will be 20 bedrooms. The applicant will limit the occupancy to one person per bedroom. The building does not quite meet the zoning code, but fits with the waiver of the Plan Commission to allow for comparable setbacks to neighboring properties. The addition setback is equal to or greater than the existing building. The sky exposure plane requires that the height of the building is no more than twice the setback. The gable part of the building does not meet that requirement. The non-conformance of the addition is no worse than the existing building. The proposal is in conformance with the R-3 (Multi-family) Zoning District. The style of architecture and materials are consistent with the area. The landscaping seems acceptable, but Slavney would like to have a detailed score card provided. He would like to see more details on the site, closing of existing driveways etc. The additional units will be subject to park fees. The City Engineer and former City Planner had some stormwater management concerns. There is only 1/2 acre of the site disturbed for this project. However, the Plan Commission has discretionary approval. The City Engineer indicated that there are opportunities on site to address stormwater infiltration or other management techniques that might help the bad stormwater situation in this area. City Planner Slavney suggested that the City work with the applicant to address the stormwater.

Matt Kuehl explained how the project came about. They tore down the one family dwelling at 522 W. Walworth Ave. because it was inhabitable. The property is in an R-3 Zoning District and there are Multi-family dwellings on each side of this property. They have designed the building to have a residential feel. The gable is off set to give the building character. They will be using Smart Board siding. He showed the Plan Commission some of the other projects he has done, before and after pictures. He has the same intention with this property. Kuehl also brought in a topography map. There is a drainage basin for the area. He stated that his engineer says that what is here now, should handle what they are doing. Kuehl feels that the best long term solution to the stormwater issue is for their engineer and the City Engineer to meet on the site and determine what to do. They will submit landscaping plans with final calculations. There are some trees on the property that they are keeping, but are not on the plan. The existing screening at the end of the parking lot will stay.

The Plan Commission voiced concerns of: evergreens needed trimming; liked “keep what can” of the existing landscaping, but would like the landscaping to frame the building more than it does now, give it a designed look; would like to see matching doors, windows, and roof heights; the bathrooms do not show all the fixtures; what is the plan for future extension of the parking for the entire area?

Matt Kuehl explained that the landscaping that is there was there when they bought the property. New plantings will take time to grow. The building that doesn’t match exactly, is part of trying to add to an existing building. It is much easier to match when you start new. When the project is finished, the gables will all match, doors will be the same, and the eyelids over the doors will be the same. Kuehl explained that they still have to get State approved plans. A lot more details must be included for their submittal to the State. The plans do not show the existing fixtures in the bathrooms. They are not structurally changing the existing building, but will be updating cosmetic things, such as flooring etc. The addition will have a bathroom for every bedroom with only one access through the bedroom. Kuehl stated that they do not know what they will be doing with three of the properties. The parking has the potential to expand along the railroad tracks.

Plan Commission Member Parker wanted to make the applicant aware that the Railroad has requested beam guard rails be installed along the right of way of properties and that they might throw a red flag at having water by the tracks.

Plan Commission Alternate Member Henry stated that the applicant has done a good job with their projects and they have a good rapport with the students. Her concern is, as more density is added, the City may need to widen Scott Street. Students use Scott Street to travel to the University.

Plan Commission Alternate Member Stanek was happy with the huge improvement that was done to the property at 446 S. Franklin Street/510 W. Walworth Ave. It is unrecognizable.

Plan Commission Member Zaballos asked about permeable asphalt.

City Planner Slavney stated that the permeable asphalt has come a long way. Right now, it requires a regimen of vacuuming it four times a year. This technology has a future, but he felt it should be taken on a community scale, the possibility of a community wide strategy.

Plan Commission Member Coburn stated that the Fort Atkinson Library has a permeable asphalt parking lot. They have not had any problems with it. She also suggested permeable curbs. She thinks the City should keep informed about new ideas to help with stormwater issues. City Planner Slavney and applicant Bob Freiermuth were going to check out the Fort Atkinson Library parking lot.

City Planner Slavney suggested that the best technology and low maintenance would be to have wide basins at either end of the parking lot and allow for infiltration. The maintenance is to rototill the area every 12 years.

Chairperson Meyer opened the meeting for public comment. There was none. Chairperson Meyer closed public comment.

City Planner Slavney stated that the important issue is if the Plan Commission feels that anything needs to come back to the Plan Commission or if the applicant could just work with staff. They need updated building elevations, updated landscaping plan, and new site plan working with Mark Fisher for stormwater management.

Plan Commission Member Zaballos stated that the Board should have their say now and let City staff handle it from there.

Plan Commission Member Parker stated he would like to see a total project plan showing all the houses on Franklin Street and the drainage. Look at the overall solution.

Matt Kuehl stated that his engineer, Warren Hansen, and Mark Fisher need to review the site to determine what needs to be done.

City Planner Slavney suggested that a recommendation be added (# 8) Provide an updated building elevation that shows matching exterior doors, gables and roof materials on both the old and new portions of the building.

Moved by Meyer and seconded by Comfort to approve the conditional use permit for the conversion of a two-family residence into a building with four (5 bedroom) units at 534 W. Walworth Ave. for Land & Water Investments LLC. (Matt Kuehl) with the Planner's recommendations # 1 through #8 (see attached) and the determination of the City Engineer for stormwater management. Ayes: Comfort, Parker, Coburn, Zaballos, Henry, Stanek, Meyer. No: None. Motion approved.

Informational Items:

Plan Commission Member Zaballos asked that Mike Slavney be introduced so that those watching the Plan Commission meeting know who he is.

Mike Slavney introduced himself. He is replacing Latisha Birkeland on an interim basis as she has moved to Nashville to do planning there. He is from Vandewalle and Associates, which has been helping Whitewater with their planning for the last 25 years. There have been others from Vandewalle and Associates that have helped Whitewater over the years, but he has decided to step in this time. He is the City of Whitewater's Planning Consultant.

Future agenda items: There were none at the time of this meeting.

Next regular Plan Commission meeting – May 12, 2014.

Moved by Zaballos and seconded by Comfort to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 7:30 p.m.

Chairperson Greg Meyer

ATTACHMENTS

SUGGESTED FINDING TO BE MADE BY THE PLAN COMMISSION for the Zoning Map Amendment to add the R-O overlay zoning district to the Waters Edge South Condos tax parcel #'s WESC 00001 through WESC 00048.

Zoning Map Amendments and other changes to the Zoning Ordinance are addressed by Chapter 19.69.

Subsection 19.69.010 enables the Plan Commission to review and recommend, and the City Council to consider, amendments to zoning district boundaries whenever the public necessity, general welfare or good zoning practice are accomplished.

I note that the strong majority of property owners (of both dwelling units and land area) located within the proposed R-O Overlay Zoning District have signed in favor of the request. I further note that granting this request for the subject property is consistent with the public necessity and general welfare of the community.

CITY PLANNER'S RECOMMENDATIONS FOR THE CONDITIONAL USE PERMIT FOR A FOUR-UNIT BUILDING IN THE R-3 ZONING DISTRICT AT 534 W. WALWORTH AVE., SUBJECT TO FINDINGS AND THE FOLLOWING CONDITIONS OF APPROVAL:

1. Provide an updated Site Plan with the following changes:
 - a. Depict a stormwater facility as required and approved by the City Engineer;
 - b. Depict a revised parking lot layout to accommodate a., above, with all dimensions;
 - c. Provide minimum 4 foot wide concrete or paver sidewalks between all front and side doors and the Walworth Avenue sidewalk;
 - d. Provide minimum 4 foot wide concrete or paver sidewalks between all rear doors and the parking area;
 - e. The revised Site Plan shall be subject to approval by the City Engineer and City Planner;
 - f. All building foundations, all stormwater facilities, and all paving shall be installed per the approved Site Plan. All stormwater facilities shall be installed prior to any other site work. All paving shall be installed in asphalt or concrete, prior to building occupancy;
 - g. Depict all existing and proposed utility connections, as well as clearly labeling connections to be abandoned;
 - h. All development shall be consistent with the approved Site Plan, and shall be completed, inspected and approved by appropriate City Staff prior to building occupancy.
2. Provide a separate Landscaping Plan with the following changes:
 - a. Depict the changes to the Site Plan noted in 1, above;
 - b. Provide a table that shows the required landscaping calculations for Street Frontage, Building Foundation, Paved Area and Lot Landscaping. This table shall also show the listing of existing and proposed plants that will meet or exceed the point totals for each kind of landscaping listed above. The landscaping identified in said table shall be depicted on the subject property;
 - c. Provide a solid wood fence or continuous hedge of evergreen shrubs (such as arbor vitae) along the east edge of the parking lot to screen headlights into adjoining back yards. The landscaping for said hedge may contribute to the required point totals to meet the paved area landscaping requirement;
 - d. The revised Landscaping Plan shall be subject to approval by the City Forester and the City Planner;
 - e. All required landscaping shall be installed within 365 days of initial building occupancy. All required landscaping shall be maintained as depicted on the Landscaping Plan. An inspection

of required landscaping may be conducted by City Staff to confirm on-going compliance with the Landscaping Plan.

3. Any unused driveway openings and aprons shall be removed and have curb restored as approved by the City Engineer and Public Works Director.
4. Plan Commission waiver of the Front Yard Setback of 25 feet for this proposed building extension. Note that this kind of waiver was granted for similar work on the current building. This ability to waive is granted by the Zoning Ordinance for expansions of a legal nonconforming structure.
5. Plan Commission waiver of the Sky Exposure requirement, which typically requires a front setback of at least one-half the building height. This ability to waive is granted by the Zoning Ordinance for expansions of a legal nonconforming structure.
6. Park Fees will be required for the two additional dwelling units.
7. A Certified Survey Map to combine the two parcels shall be approved and filed at Walworth County Register of Deeds, prior to issuance of a building permit.

SUGGESTED FINDINGS TO BE MADE BY THE PLAN COMMISSION

Conditional Use Permits are required to be reviewed in relation to a set of standard criteria presented in the Zoning Ordinance (Section 19.66.050).

Analysis of Proposed Conditional Use Permit for: 534 West Walworth Avenue		
<i>Conditional Use Permit Review Standards per Section 19.66.050:</i>		
STANDARD	EVALUATION	COMMENTS
1. The establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of property.	Yes	This project will redevelop and infill an underutilized parcel. The <u>recommended</u> evergreen hedge will shield properties to the east from headlights.
2. Adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	Yes	This is a redevelopment site and all other items are provided for, except: The <u>recommended</u> drainage improvements will help address stormwater concerns in the immediate area.
3. The conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance or through variance.	Possibly	The Plan Commission has been asked to grant an explicit waiver to the front setback and sky exposure requirements, as an extension of a legal non-conforming structure.
4. The conditional use conforms to the purpose and intent of the city master (comprehensive) plan.	Yes	The Comprehensive Plan recommends the site for multi-family development.
5. The conditional use and structures are consistent with sound planning and zoning principles.	Yes	The project is consistent with the use and density requirements of the R-3 District and the Comprehensive Plan.

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